

### **REMARKS / ARGUMENTS**

Claims 1-30 are pending in the instant application. Claims 1, 6, 11, 16, 21 and 26 have been amended. Claims 2-10, 12-20 and 22-30 depend directly or indirectly from independent claims 1, 11 and 21, respectively.

Claims 1-5, 7-15, 17-25 and 27-30 are rejected under 35 U.S.C. § 102(e) as being anticipated by US Patent № 6,904,482, issued to Rietze (hereinafter, Rietze).

Claims 6, 16 and 26 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Rietze in view of Abbodanzio et al. (US Pub. No. 20030188222, hereinafter "Abbodanzio").

The Applicant respectfully traverses these rejections at least based on the following amendments and remarks.

#### **I. REJECTION UNDER 35 U.S.C. § 102**

MPEP 2131 states:

"[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See MPEP at 2131 (internal citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See *id.* (internal citation omitted).

#### **A. Rietze Does Not Anticipate Claims 1-5, 7-15, 17-25 and 27-30**

The Applicant now turns to the rejection of claims 1-5, 7-15, 17-25 and 27-30 under 35 U.S.C. 102(e) as being anticipated by Rietze. Without conceding that Rietze qualifies as prior art under 35 U.S.C. 102(e), the Applicant respectfully traverses this rejection as follows.

**A(1). Independent Claims 1, 11 and 21**

With regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Rietze does not disclose or suggest at least the limitation of **“routing via said common switch, ... at least a portion of said at least one received packet to at least said second blade server,”** as recited by the Applicant in independent claim 1 (emphasis added).

In the Office Action, the Examiner asserts that Rietze discloses the following:

“As per claims 1, 11, and 21 Rietze discloses a method for communicating information in a server, the method comprising: receiving at least one packet from a first blade server of a plurality of blade servers, at least two of which is coupled to a common switch via a common bus (Col 3 lines 24-39) ... routing via a common switch, at least a portion of said at least one received packet to at least said second blade server. (Col 3 lines 48-67)”

See the Office Action at pages 2-3. The Examiner relies on for support on Rietze, which states the following:

“Midplane 170 may be, for example, a communications circuit board having a plurality of blade interfaces. **Each blade interface may provide a common interconnect for modules connected thereto.** In one embodiment of the invention, **the blade interfaces are in electrical**

**communication with each other and with the system management bus of midplane 170."**

See Rietze at col. 3, lines 24-30 (emphasis added). The Examiner equates the midplane 170 to the claimed "common bus". However, the Applicant points out that Rietze also discloses that **"the blade interfaces are in electrical communication with each other** and with the system management bus of midplane 170". In this regard, Rietze discloses that electrical communication (i.e., including packet communication) between server blades are achieved by virtue of simply connecting to the midplane 170. In other words, Rietze does not disclose or suggest that the received packets are routed via a common switch at all, since the server blades communicate to each other directly via the midplane 170.

To further substantiate the Applicant's argument, the Examiner is referred to the following:

**"All blades connected to midplane 170 may communicate with other blades and system resources via midplane 170.** Each blade is essentially a network node with a network address. Therefore, **each blade may create a network connection with another blade or system resource to communicate information.** For example, in one embodiment of the invention the connection may be an Ethernet connection, such as a Fast Ethernet or Gigabit Ethernet connection.

Modular server system 100 may also be configured to support up to four **switch blades 120 to perform network switching** and provide N+1 redundancy. In one embodiment of the invention, switch blades 120 may have up to twenty 10/100 Base-T auto-negotiating ports and support 4,096 Media Access Controller (MAC) addresses. Sixteen of the twenty ports may be assigned, for example, to Ethernet channels from midplane 170, which may in turn be connected to sixteen server blades 110. The remaining four ports may be accessible, for example, through R7-45 (Ethernet) connectors on a face plate for switch blade 120. Other

configurations may be implemented, however, depending on the number of server blades 110 supported by modular server system 100. Data packets may be buffered in switch blades 120 to reduce Ethernet collisions for a particular channel, and a full managed layer 3 or layer 4 switch may be implemented **to provide quality of service (QoS) control**. In one embodiment of the invention, a non-blocking switch fabric with sufficient bandwidth to reduce packet loss may be desired.”

See Rietze at col. 3, lines 40-67 (emphasis added). Based on the above citation, Rietze clearly discloses that within the modular server system 100, **“All blades connected to midplane 170 may communicate with other blades and system resources via midplane 170”**, without routing via the switch blades 120. Rietze, however, discloses that the function of the **switch blades 120 is to perform network switching** (i.e., network external to the modular server system 100) for QoS control, **not routing the packets between the server blades within the modular server system 100**.

Therefore, the Applicant maintains that Rietze does not disclose or suggest **“routing via said common switch, ...at least a portion of said at least one received packet to at least said second blade server,”** as recited by the Applicant in independent claim 1

Furthermore, with regard to the rejection of independent claim 1 under 35 U.S.C. § 102(e), the Applicant submits that Rietze also does not disclose or suggest at least the limitation of **“routing via said common switch, based on said determined at least one identifier, at least a portion of said at least one received packet to at least said second blade server,”** as recited by the Applicant in independent claim 1. The

Examiner alleges that Rietze discloses “determining at least one identifier associated with at least a second blade server based on at least a portion of said received at least one packet” (see the Office Action at page 3). The Examiner relies for support on the following citation of Rietze:

“In one embodiment of the invention the request may include a server blade identifier and an OS identifier. The request may be received at the storage blade. **An OS for the server blade may be identified using the OS identifier.** The OS may be sent to the server blade over the connection. **Once received by the server blade, the server blade may store the OS software in memory and execute the OS software.**”

See Rietze at col. 7, lines 30-37 (emphasis added). The Examiner seems to equate Rietze’s **OS identifier** stored in the memory of a server blade with an identifier, to be the same as the claimed “determined **identifier associated with a second blade server based on the received packet**”. The Applicant respectfully disagrees and points out that Rietze’s **OS identifier** is for **identifying and the execution of OS software** in the designated server blade, which is **not the same** as the claimed “**identifier associated with a second blade server based on the received packet**”. In fact, Rietze’s identifying of OS software is unrelated to the received packet for the server blade. In this regard, the Applicant maintains that Rietze does not disclose or suggest “**routing** via said common switch, **based on said determined at least one identifier**, at least a portion of said at least one **received packet to at least said second blade server**,” as recited by the Applicant in independent claim 1.

Accordingly, based on the foregoing rationale, the Applicant maintains that independent claim 1 is not anticipated by Rietze and is allowable. Independent claims

11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

**B. Dependent Claims 2-5, 7-10, 12-15, 17-20, 22-25 and 27-30**

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(e) as being anticipated by Rietze has been overcome and request that the rejection be withdrawn. Additionally, claims 2-5, 7-10, 12-15, 17-20, 22-25 and 27-30 depend directly or indirectly from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

In addition, regarding the rejection of claims 2, 3 and 8-10, the Applicant refers the Examiner to the above arguments of claim 1, that Rietze does not disclose transferring, routing or broadcasting of the received packets to other servers blades **via a common switch** in the modular server system 100. In this regard, Rietze does not anticipate claims 2, 3 and 8-10, and are also submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-5, 7-15, 17-25 and 27-30.

## II. REJECTION UNDER 35 U.S.C. § 103

In order for a *prima facie* case of obviousness to be established, the Manual of Patent Examining Procedure, Rev. 6, Sep. 2007 ("MPEP") states the following:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained with mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness."

See the MPEP at § 2142, citing *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006), and *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval). Further, MPEP § 2143.01 states that "the mere fact that references can be combined or modified does not render the resultant combination obvious unless the results would have been predictable to one of ordinary skill in the art" (citing *KSR International Co. v. Teleflex Inc.*, 82 USPQ2d 1385, 1396 (2007)). Additionally, if a *prima facie* case of obviousness is not established, the Applicant is under no obligation to submit evidence of nonobviousness:

The examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

See MPEP at § 2142.

Application № 10/648,004  
Reply to Office Action of September 10, 2008

**A. The Proposed Combination of Rietze and Abbodanizo Does Not Render Claims 6, 16 and 26 Unpatentable**

The Applicant now turns to the rejection of claims 6, 16 and 26 as being unpatentable over Rietze in view of Abbodanizo. Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(e) as being anticipated by Rietze has been overcome and request that the rejection be withdrawn. Additionally, claims 6, 16 and 26 depend indirectly from independent claims 1, 11, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 6, 16 and 26.



**CONCLUSION**

Based on at least the foregoing, the Applicant believes that all claims 1-30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and request that the Examiner telephone the undersigned Patent Agent at (312) 775-8093.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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